

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Robert FISCHER et al.

Serial No. 10/564,832

Group Art Unit: 2611

Confirmation No. 5115

Filed: January 17, 2006

Examiner: Sarah Hassan

For: NONLINEAR PRECODING METHOD FOR A DIGITAL BROADCAST CHANNEL

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

An Appeal Brief was filed on November 21, 2009 ("Appeal Brief"). A Notification of Non-Compliant Appeal Brief mailed on December 4, 2009 ("Notification") indicated:

The pending claims should read 4-7. The appellant may choose to only submit the defective section of the brief, an entire new brief is not required.

(See, Notification, note 1 in explanation of checked block 2).

In response to the Notification, a replacement "Section III. STATUS OF CLAIMS" indicating --Claims 4-7 are pending.-- is attached.

Entry is requested. The Commissioner is hereby authorized to charge any additional fees required in connection with the filing of this response to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

Date: January 4, 2010

By: Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

III. STATUS OF CLAIMS

Claims 4-7 are pending. Claims 1-3 are cancelled.

In the Final Office Action, the Examiner holds dependent claim 5 as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (See, Final Office Action at page 4, lines 1-3).

Claims 4 and 6-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yu et. al "Trellis Precoding for the Broadcast Channel" published in 2001, pages 1344-1348 ("Yu") in view of Yao et. al., "Lattice-Reduction-Aided Detectors for MIMO Communication Systems" published in 2002, pages 424-428 ("Yao") and are on appeal.